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**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2025-03132

COUNSEL: [REDACTED]

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Reinstatement in the Regular Air Force (RegAF) in accordance with Executive Order (EO) 14184, *"Reinstating Service Members Discharged under the Military's COVID-19 Vaccination Mandate."*

Specifically, the applicant requests:

1. Reinstatement with backpay since her discharge to include Basic Pay, Basic Allowance for Housing (BAH), Basic Allowance for Subsistence (BAS), leave restoration, and medical benefits reimbursement.
2. Constructive service credit to include Time in Grade (TIG) accrued toward retirement.
3. Direct promotion to major general (O-8) or immediate restoration to brigadier general (O-7) with consideration for a special selection board (SSB).
4. Extension of mandatory retirement date to maintain eligibility for reinstatement.
5. Her entitlement for a final Permanent Change of Station (PCS) move be restored.

APPLICANT'S CONTENTIONS

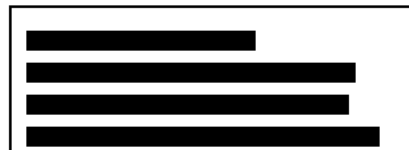
The applicant contends that she was forced to retire in lieu of taking the COVID-19 vaccine. In accordance with Executive Order (EO) 14184, and the guidance published on 1 April 2025 by the Undersecretary of Defense for Personnel and Readiness (OSD(P-R)) addressing the implementation of the EO, the applicant requests reinstatement back into the Air Force.

Specifically, she states that her retirement was improperly classified as voluntary. Instead, her separation from the Air Force was the result of coercion following the denial of both religious and medical accommodation requests related to the COVID-19 vaccine mandate. Upon denial of her final religious appeal, she was presented with three options: (1) receive the vaccine within five days, (2) retire no later than the first day of the fifth month following the appeal denial, or (3) face court-martial for disobeying an order to take the vaccine. Although she was promoted to Brigadier General on 2 June 2022, she was forced to retire on 31 July 2022 as she exhausted all avenues of appeal. She reiterates that her retirement was not voluntary but compelled under threat of punitive action.

On 6 October 2025, the applicant submitted additional correspondence providing new information not included in her prior application. She references a 30 September 2025 directive from the U.S.

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Secretary of War (SecWar), ordering reform of military culture and correction of flawed decisions made under the previous Presidential administration. The applicant highlights excerpts from the Secretary's address emphasizing the need for competent, apolitical leaders faithful to their oath and the Constitution, and criticizing prior policies requiring removal of service members who refused the COVID-19 vaccine. She requests that the AFBCMR honor the SecWar's intent by granting relief and reinstatement to members who remained loyal to their oath, thereby strengthening the leadership cadre with individuals of character and courage.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force brigadier general (O-7) and was not pre-identified as a service member that was involuntarily discharged solely due to refusing the COVID-19 vaccine.

According to the documents provided by the applicant:

On 10 September 2021, the applicant was given an order to receive the COVID-19 vaccine.

On 21 September 2021, she submitted a Religious Accommodation Request (RAR) for a waiver of the COVID-19 vaccine. Her original request was denied on 14 December 2021 and her appeal was denied on 22 February 2022. In addition the applicant submitted a request for a medical exemption from the COVID-19 vaccine; however, e-mail traffic dated 27 September 2021 shows that her request was denied.

On 22 September 2021, according to AF FORM 174, *Record of Individual Counseling*, the applicant was counseled by her commander on the potential consequences of noncompliance with the vaccine requirement. It states that noncompliance could result in other administrative consequences. Should her request for a religious accommodation be denied, she would be expected to comply with the order and failure to do so would make her subject to administrative or adverse action, including prosecution under Article 92, Uniform Code of Military Justice.

On 12 April 2022 Special Orders Number AL-000296 was published and shows the applicant was relieved from active duty to retired effective 1 August 2022 in the highest grade held of colonel (O-6).

On 19 May 2022, Special Order Number ACG-000052 was published and amended Special Orders Number AL-000296 to reflect that her highest grade held on active duty was brigadier general (O-7); however, she was retired in the grade of colonel (O-6) because she did not reach the time in grade requirements for retirement in the grade of brigadier general (O-7).

On 2 June 2022, the applicant was promoted to brigadier general (O-7).

On 31 July 2022, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant received a "Honorable" discharge in the grade of brigadier general (O-7) after completing a period of active duty service from 29 May 1996 through 31 July 2022. The applicant was credited with 26 years, 2 months, and 2 days of net active service and the narrative reason for separation states "Sufficient Service for Retirement."

According to the Military Personnel Database, the applicant's current grade reflects brigadier general (O-7) with a date of rank (DOR) of 2 June 2022; her Total Active Federal Military Service Date (TAFMSD) and Total Federal Commissioned Service Date (TFCSD) reflects 29 May 1996; and her date of birth reflects 16 January 1974.

[REDACTED]

For more information, see the excerpt of the applicant's record at Exhibit B and the applicable authority at Exhibit C.

APPLICABLE AUTHORITY/GUIDANCE

Executive Order 14184

On January 27, 2025, the President of the United States issued Executive Order 14184, *"Reinstating Service Members Discharged under the Military's COVID-19 Vaccination Mandate"*. The President's guidance further directed that the Secretary of Defense or the Secretary of Homeland Security shall take all necessary action permitted by law to make reinstatement available to service members involuntarily discharged, solely for refusal to receive the COVID-19 vaccination, who request to be reinstated, and to revert to their former rank and receive full back pay, benefits, bonus payments, or compensation.

Office of the Undersecretary of Defense for Personnel and Readiness memorandum, dated 1 Apr 25, with SUBJECT: Updated Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements

On 1 Apr 25, the Undersecretary of Defense for Personnel and Readiness (OSD(P-R)), issued additional guidance on the implementation of the President's Executive Order and directed that the Secretaries of the Military Departments will process reinstatements for individuals either involuntarily discharged or those who voluntary left the service or allowed their service to lapse, rather than be vaccinated under the vaccine mandate based on the provided guidance.

In cases where the Service member was involuntarily separated the Secretaries of the Military Departments will contact such Service members and make available to them reinstatement via the Boards for Correction of Military/Naval Records (BCM/NRs) process. The BCM/NRs should exercise their broad discretion to order all appropriate retroactive corrections of the Service member's record.

Summary of Guidance on Involuntary Separations:

Consistent with EO 14184, the Secretaries of the Military Departments were directed to invite these Service members to seek reinstatement by applying to have their records corrected to reflect continued service such that back pay, benefits, bonus payments, or other compensation, subject to required offsets. The BCM/NRs are to assess each case to determine if an error or injustice exists within the former Service member's record and order all appropriate records corrections, which may include but is not limited to reinstatement with no break in service, restoration of the member's previous grade or rank, and credit for lost service time due to separation. Furthermore, if a Service member is granted reinstatement but denied additional claims for relief (e.g., retention bonuses, missed promotion opportunities, special pay), the disapproval authority for the additional requested relief may be delegated at the discretion of the Secretary concerned if reinstatement is otherwise approved.

If the BCM/NR finds that the record should be corrected to reflect reinstatement, they will issue a contingent decision that permits calculation of associated pecuniary benefits but predicates final record correction upon acceptance of reinstatement by the Service member. The contingent decision of the BCM/NR will be the final decision of the review board and will not require additional action by the BCM/NR to implement the relief directed.

[REDACTED]

Furthermore, reinstatement will not be afforded to service members who were involuntarily separated who are unwilling or unable to return to active service, or active status, as applicable, for at least 4 years. However, a 2-year minimum service obligation is available for individuals who would have become eligible for a regular or non-regular retirement in 2 years or less from the date of their separation if they had not been separated solely due to their refusal to comply with the COVID vaccination mandate.

Office of the Undersecretary of Defense for Personnel and Readiness memorandum, dated 7 May 25 with SUBJECT: Supplemental Guidance to the Military Department Discharge Review Boards and Boards for Correction of Military/ Naval Records Considering Requests from Service Members Adversely Impacted by Coronavirus Disease 2019 Vaccination Requirements

On 7 May 25, the Undersecretary of Defense for Personnel and Readiness (OSD(P-R)) issued supplemental guidance to the Military Department Discharge Review Boards and the Boards for Correction of Military Record considering service members adversely impacted by Coronavirus Disease 2019 Vaccination Requirements. The guidance states in general that the requirement that Service members receive a coronavirus disease 2019 (COVID 19) vaccine without an adequate due process mechanism for vaccine accommodations was an injustice.

The supplemental guidance addresses the ***“Removal of Adverse Actions and Information Solely Associated with COVID-19 Vaccine Mandate”*** and states:

- The Department’s COVID-19 vaccine mandate also caused harms that were not reflected on separation documents. For instance, some Service members received administrative letters of reprimand, negative or inconsistent evaluations, or withholding of opportunities for Reserve Component personnel to perform inactive duty training for pay to achieve a “good year” for participation and retirement purposes.
- While previous guidance required the Secretaries of the Military Departments to update Service member personnel records to remove adverse actions solely associated with denials of requests for exemption from the COVID-19 vaccine mandate on religious, administrative, or medical grounds, this relief should not have been limited to Service members who formally filed an exemption request. The inadequacy of the consideration afforded to those who submitted accommodation requests undermined the faith of many Service members, and they should not be penalized for deciding not to request an exemption that had little or no likelihood of success.

It further addresses, ***Other Harms or Injustices Suffered by Service Members Not Specifically Addressed in this Guidance*** and states:

- Present and former Service members may have suffered other harms from the COVID-19 vaccine mandate that are not specifically addressed in this guidance. Adverse action may include the overt withholding of favorable personnel actions, including such actions as removing individuals from approved lists to attend training or professional military education, to assume leadership positions, or to conduct a permanent change of station transfer on schedule.
- The BCMR/NRs should exercise broad discretion in providing appropriate corrections to the records of Service members and former Service members who suffered harms resulting from the Department’s COVID-19 vaccine mandate.

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Office of the Undersecretary of Defense for Personnel and Readiness memorandum, dated 21 Jul 25 with SUBJECT: Supplemental Guidance on Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements

On 21 Jul 25, the Undersecretary of Defense for Personnel and Readiness (OSD(P-R)) issued supplemental guidance to the Secretaries of the Military Departments for implementing Executive Order 14184. The memorandum outlines additional incentives for eligible individuals requesting reinstatement. Specifically, it allows the Secretaries of the Military Department to offer a 4-year reinstatement service obligation, consisting of 2 years on active duty and 2 years in an active reserve status. Furthermore, for those seeking reserve-only service, the full 4-year service obligation may be served exclusively in an active reserve status.

DAFI 36-3203, *Service Retirements*

5.11. Retirement for Age. Officers who reach the mandatory age requirement outlined in Table 5.1 are retired due to age rather than length of service, under 10 USC § 1263, Age 62: warrant officers, or 10 USC § 1251, Age 62: Regular Commissioned Officers in Grades Below General and Flag Officer Grades; Exceptions.

Table 5.1. Mandatory Retirement for All Regular Officers. If the Officer is a Active Component Brigadier General then the USAF/USSF sets the MSD (see paragraph 5.4 for effective retirement date) as the first day of the first month after the 5th anniversary of the officer's appointment to the grade, or on the first day of the month after the month in which the **officer completes 30 years** of active commissioned service, whichever occurs later; unless the SecAF, acting under 10 USC § 637 or 10 USC § 637a, re-establishes the MSD to allow continuation of AC service or the first day of the month after the month officer reaches age 64 (when the officer has not reached the 5th anniversary of appointment or 30 years of service)

10 U.S. Code § 635 - Retirement for years of service: regular and Space Force brigadier generals; regular Navy rear admirals (lower half)

(a) Army, Navy, Air Force, and Marine Corps.—

Except as provided under section 637(b) or 637a of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of brigadier general, and each officer of the Regular Navy who holds the regular grade of rear admiral (lower half), who is not on a list of officers recommended for promotion to the regular grade of major general or rear admiral, respectively, shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his appointment to that grade or on the first day of the month after the month in which he completes 30 years of active commissioned service, whichever is later.

10 U.S. Code § 637 - Selection of regular officers for continuation on active duty

(1) An officer subject to retirement under section 633 or 634 of this title may, subject to the needs of the service, have his retirement deferred and be continued on active duty if he is selected for continuation on active duty by a selection board convened under section 611(b) of this title.

(2) An officer subject to retirement under section 635 or 636 of this title who is serving in the grade of brigadier general, rear admiral (lower half), major general, or rear admiral may, subject to the needs of the service, have his retirement deferred and be continued on active duty by the Secretary concerned. An officer subject to retirement under section 635 or 636 of this title who is serving in

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a grade above major general or rear admiral may have his retirement deferred and be continued on active duty by the President.

(3) Any deferral of retirement and continuation on active duty under this subsection shall be for a period not to exceed five years, except as provided under section 1251 or 1253 of this title.

DoDI Instruction 1320.08, *Continuation of Commissioned Officers on Active Duty and on the Reserve Active-Status List*,

3.4. Deferral of Mandatory Retirement for Officers in Grades of O-3 through O-10 on the ADL. The Secretary of the Military Department concerned may defer the mandatory retirement of commissioned officers on the ADL with specific skills and qualifications based upon a determination of the need for officers with such skills or qualifications pursuant to Section 637(b) or 637a of Title 10, U.S.C. Paragraph c. **The Secretary of the Military Department concerned may defer mandatory retirement of officers in the grades of O-7 and O-8** who are subject to retirement pursuant to Section 635 or 636 of Title 10, U.S.C., based on the needs of the Military Service concerned.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all other available administrative remedies before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an error or injustice and finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, the applicant has provided evidence that she was forced to voluntarily retire in lieu of taking the COVID-19 vaccine and had it not been for the mandate, she would have continued serving in the RegAF. In this regard, whether a service member was involuntarily discharged or voluntarily retired from the service to avoid adverse actions and an unfavorable discharge, the reason behind the discharge, the COVID-19 vaccination mandate, is the same error or injustice. Therefore, in accordance with EO 14184 and the OUSD guidance that directs the BCMR to exercise broad discretion in providing appropriate corrections to service members who suffered harms resulting from the COVID-19 vaccine mandate, the Board feels compelled, in this case, to provide similar reinstatement relief that includes removing the applicant's break-in-service, reinstating the applicant with backpay and benefits (minus offsets), restoration of the applicant's previous grade or rank, credit for lost service due to separation, and restoration of leave she would have otherwise received had she continued serving. In addition, reinstatement should further qualify the applicant for medical benefits from the date of her discharge to the date she is reinstated. As such, upon reinstatement, the Board encourages the applicant to follow the instructions provided in attachment 5 of the OUSD-PR memorandum dated 7 May 25 for requesting reimbursement of medical expenses.

In regards to the applicant's request for direct promotion to major general (O-8), the Board finds that the request is outside the statutory authority of the Secretary of the Air Force, as the Board does not have the authority to appoint officers and that authority is held solely by the President of the United States. However, with reinstatement the Board can offer relief that will allow the applicant to receive supplemental consideration for promotion to major general (O-8). The Board further notes, that by returning the applicant in her current grade and providing her constructive service credit in that grade, she would be approaching her Mandatory Separation Date (MSD) and believes that it is only equitable to extend her MSD to provide her the opportunity to perform in

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that grade. Therefore, the Board recommends correcting the applicant's records as indicated below.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

Contingent upon the applicant's acceptance of reinstatement in accordance with the OSD(P-R) guidance, the pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show:

- a) She was not released from the Regular Air Force on 31 July 2022 for the purpose of Retirement on 1 August 2022 and is further approved for reinstatement with her original 2 June 2022 date of rank to brigadier general (O-7) in a component of the Air Force the applicant requests in accordance with the Secretary of the Air Force guidance, "Updated Supplemental Department of the Air Force Guidance on the Correction of Military Records for Service Members Involuntarily Separated for Refusal to Comply with Coronavirus Disease 2019 Vaccination Requirements," dated 9 March 2026; and upon the date the applicant reenters the service, she be credited with any lost service time and grade credit in the Regular Air Force from 1 August 2022 through the date she is reinstated.
- b) All records associated with her discharge and retirement be removed and military systems of record be updated to properly reflect that she was not released on 31 July 2022 or retired on 1 August 2022, including, but not limited to: DD Form 214, *Certificate of Release or Discharge from Active Duty*, for period of service 29 May 1996 through 31 July 2022; Special Orders Number AL-000296 published on 12 April 2022; and Special Orders Number ACG-000052 published on 19 May 2022.
- c) All adverse actions solely issued for her refusal to take the COVID-19 vaccine be expunged and removed from her record and systems of record to include, but not limited to: Referral Evaluation(s); Unfavorable Information File; Control Roster; and Letters of Admonishment/Counseling/Reprimand.
- d) In exchange and beginning on the date she is reinstated, the applicant receives a two (2) year reinstatement service obligation in accordance with Secretary of War memorandum, dated 20 March 2026 with SUBJECT: "Reinforcing Our Commitment to Service Members Negatively Impacted by the Defunct Corona virus Disease 2019 Vaccination Mandate;" and any supplemental guidance/procedures set by the Department of the Air Force implementing said guidance.
- e) She receives all associated backpay, benefits and entitlement minus any required offsets based on the above corrections to her record.
- f) She be provided with supplemental consideration for promotion to the grade of major general (O-8) for all appropriate promotion cycles (promotion boards) that she would have otherwise been eligible for had it not been for the break in service. However, if the military component discovers any adverse factors during or subsequent to supplemental consideration that are separate and apart, and unrelated to the issues involved in this application, that would have rendered the applicant ineligible for this promotion, such information will be documented and presented to the Board for a final determination on the individual's qualifications for the promotion. Should the applicant be selected for promotion, then the applicant should further receive additional backpay based on the adjusted rank and dates of promotion.

[REDACTED]

- g) If not selected for promotion to major general (O-8), her record be corrected to show that based on the needs of the service, her retirement was deferred and she was continued on active duty with a Mandatory Separation Date (MSD) of five (5) years from the date she is reinstated.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2025-03132 in Executive Session on 23 December 2025:

[REDACTED], Panel Chair
[REDACTED], Panel Member
[REDACTED], Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 18 September 2025.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Applicable Authority for COVID-19 Reinstatement.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

5/22/2026

[REDACTED]